



County of Los Angeles CHIEF EXECUTIVE OFFICE

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Chief Executive Officer

June 4, 2010

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To: Supervisor Gloria Molina, Chair
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From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE

This memorandum contains a status report on six County-sponsored measures related to: 1) information sharing for the prevention, identification, management, or treatment of child abuse or neglect; 2) fees for stormwater runoff; 3) provisions for the reopening of a new Martin Luther King Jr. Hospital; 4) exemptions from the State licensing requirements for out-of-state health care practitioners who provide services on a short-term, volunteer basis; 5) enhancement of the County's existing homeowner notification program; and 6) State reimbursement for special elections, and an update on 28 County-advocacy bills.

Status of County-Sponsored Legislation

County-sponsored AB 2322 (Feuer and Bass), which as amended on May 13, 2010, would clarify and strengthen the ability of county departments to share records for the prevention, identification, management or treatment of child abuse or neglect, and expand the type of data that may be entered on the Family and Children's Index, passed the Assembly Floor by a vote of 77 to 0 on June 1, 2010. This measure now proceeds to the Senate.

County-sponsored AB 2554 (Brownley), which as amended on April 8, 2010, would authorize the Los Angeles County Flood Control District to implement stormwater fees in the unincorporated areas of the County to fund clean water programs, in compliance with Proposition 218, passed the Assembly Floor by a vote of 48 to 28 on June 1, 2010. This measure now proceeds to the Senate.

"To Enrich Lives Through Effective And Caring Service"

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County-sponsored AB 2599 (Bass and Hall), which as introduced on February 19, 2010, would provide that when the new Martin Luther King, Jr. Hospital reopens, the facility will have adequate and predictable funding to ensure its financial viability, passed the Assembly Floor by a vote of 57 to 15 on June 3, 2010. This measure now proceeds to the Senate.

County-sponsored AB 2699 (Bass), which as amended on May 12, 2010, would exempt, from State licensure requirements, out-of-state health care practitioners who are in California for a short time to provide volunteer health, dental and vision services for uninsured or underinsured persons, passed the Assembly Floor by a vote of 67 to 3 on June 2, 2010. This measure now proceeds to the Senate.

County-sponsored SB 878 (Liu), which as amended on May 12, 2010, would enhance the County's existing homeowner notification program to also authorize the County to: 1) notify homeowners and renters subject to notices of default or sale; 2) collect a fee for notification upon the recording of a notice of default or sale; 3) use a portion of the recording fee to provide information, counseling, or assistance to a person who receives the notice; 4) establish a sunset date of January 1, 2015; and 5) require the County to submit a report that includes data regarding notices of default and sale that were recorded to the Senate and Assembly Judiciary Committees no later than January 1, 2014, passed the Senate Floor by a vote of 25 to 7 on June 1, 2010. This measure now proceeds to the Assembly.

County-sponsored SB 994 (Price), which as introduced on February 9, 2010, would require the State to reimburse local governments for the authorized and necessary expenses incurred in special elections proclaimed by the Governor to fill a vacancy in the State Senate or Assembly, U.S. Senate or House of Representatives, was held on the Assembly Appropriations suspense file on May 28, 2010 without explanation.

Status of County-Advocacy Legislation

County-supported AB 1650 (Feuer), which as amended on April 27, 2010, would prohibit the State of California and its subdivisions from contracting with persons who have investments in the Iran energy sector, passed the Assembly Floor by a vote of 74 to 0 on June 1, 2010. This measure now proceeds to the Senate.

County-supported AB 1653 (Jones), which as introduced on January 14, 2010, would extend the Hospital Quality Assurance Fee for an additional six months, from January 1, 2011 to June 30, 2011, passed the Assembly Floor by a vote of 63 to 14 on June 1, 2010. This measure now proceeds to the Senate.

County-supported AB 1662 (Portantino), which as amended April 7, 2010, would provide State reimbursement for property tax revenue losses attributable to the 2009 wildfires and the winter storms of January 2010, passed the Assembly Floor by a vote of 77 to 0 on June 1, 2010. This measure now proceeds to the Senate.

County-opposed AB 1804 (Hagman), which as amended on April 28, 2010, would require that Employment Training Fund (ETF) monies appropriated to the CalWORKs Program for employment training or loaned to the State General Fund be transferred back to the ETF or repaid within three years, was held on the Assembly Appropriations Committee suspense file on May 28, 2010.

County-support-if-amended AB 1818 (Blumenfield), which as amended on April 19, 2010, would establish the Upper Los Angeles River and Watershed Protection Program administered by the Santa Monica Mountains Conservancy to address the resource protection, public recreation, water conservation, and water quality goals of the Upper Los Angeles River watershed, was held on Assembly Appropriations Committee suspense file on May 28, 2010. The author had previously advised of his intent to drop this bill due to unreconciled policy differences surfacing in recent stakeholder-author negotiations.

County-supported AB 1844 (Fletcher), which as amended on April 28, 2010, would increase penalties for forcible sex acts against minors, passed the Assembly Floor by a vote of 71 to 0 on June 3, 2010. This measure now proceeds to the Senate.

County-support-if-amended AB 1975 (Fong), which would require every water purveyor, with a certain exception, that provides water service to a person residing in a multiunit residential, mixed-used residential, or commercial structure for newly constructed buildings for which a construction permit has been issued, on or after January 1, 2012, to require the installation of meters or submeters on each individual rental unit as a condition of new water service to that property, was amended on June 1, 2010.

The amendments: 1) change the effective date to January 1, 2013; 2) require the owner of the structure to charge occupants for water and sewer service based on the actual volume of water delivered as measured by the water meter or submeter, subject to requirements relating to approval, installation, and operation of the water meter or submeter; 3) authorize the owner of the property to charge occupants a monthly administrative fee not to exceed \$2 for the actual costs of reading the meter or submeter and providing billing services; 4) require the owner of the structure to ensure that a water submeter installed for these purposes complies with laws and regulations governing installation, certification, maintenance, billing, and testing of water submeters;

and 5) prohibit a water purveyor from imposing specified fees related to the installation of water meters and submeters.

The Sacramento advocates will continue to support AB 1975, if amended, to remove the requirement that the owner install submeters as a condition of new water service to the property, and instead make it a condition for approval of the construction permit. This measure passed the Assembly Floor by a vote of 59 to 13 on June 3, 2010, and now proceeds to the Senate.

County-opposed AB 1989 (Mendoza), which as amended on April 19, 2010, would require members of a county board of education to be elected in a direct primary election held in 2014 and specify that members be elected by voters of the trustee area that the member would represent rather than be appointed by a county board of supervisors, was held on the Assembly Appropriations Committee suspense file on May 28, 2010.

County-opposed AB 1994 (Skinner), which as amended on March 23, 2010, would extend the presumption of work-related injuries to hospital workers, was held on the Assembly Appropriations Committee suspense file on May 28, 2010.

County-supported AB 1998 (Brownley), which as amended on May 28, 2010, would ban single-use carryout bags in California beginning January 1, 2012, passed the Assembly Floor by a vote of 42 to 27 on June 2, 2010. This measure now proceeds to the Senate.

Specifically, AB 1998 would: 1) prohibit stores, as defined, from providing single-use carryout bags to customers at the point of sale beginning January 1, 2012; 2) require stores to make reusable bags, as defined, for purchase; 3) authorize stores to provide reusable bags at no cost; 4) require, on and after July 1, 2013, that a store only provide reusable bags to consumers; 5) require stores to make available for sale to consumers at the point of sale a recycled paper bag, as defined, at a reasonable cost, but not less than five cents; and 6) authorize stores to provide customers participating in the California Special Supplemental Food Program for Women, Infants, and Children with reusable bags or recycled paper bags at no cost. The bill would move the sunset date for the existing plastic bag recycling program from January 1, 2012, to January 1, 2011.

AB 1998 defines "recycled paper bag" as a paper carryout bag that contains a minimum of 40 percent post-consumer recycled content; is accepted for recycling in curbside programs in a majority of households that have access to curbside recycling programs; is compostable; and has printed on the bag the name of the manufacturer, the location where manufactured, and the percentage of post-consumer content. Until a standard is

adopted by the Department of Resources Recovery and Recycling (CalRecycle), "reusable bag" is defined as a bag that is designed and manufactured for at least 100 uses and is made of a washable material that "does not contain lead or any toxic metal in a toxic amount," as determined by CalRecycle. By January 1, 2013, CalRecycle is required to establish standards for reusable bags.

"Single-use carryout bag" is defined as a bag made of plastic, paper, or other material that is provided by a store to a customer at the point of sale and that is not a reusable bag. Single-use carryout bag does not include a bag provided at a pharmacy to a customer purchasing prescription medication or a non-handled bag used to protect a purchased item from damaging or contaminating other purchased items when placed in a recycled paper bag or reusable bag. "Store" is defined as supermarkets, stores over 10,000 square feet that include a pharmacy, and a convenience food store for foodmart engaged in retailing a limited line of goods that generally includes milk, bread, soda, and snacks.

AB 1998 would also: 1) require, on and after January 1, 2013, and every two years thereafter, producers of reusable bags to submit a certification to CalRecycle that each bag meets the requirements specified in the bill and any standards developed by CalRecycle; 2) require bag producers to submit a fee for each certification, not to exceed \$10,000 per producer for the initial certification and between \$2,000 and \$3,000 every two years thereafter; 3) require the fees collected to be used by CalRecycle to administer the requirements of the bill; and 4) authorize CalRecycle to conduct inspections to enforce the bill's requirements.

In addition, AB 1998 would: 1) establish administrative civil penalties for stores in violation of the bag distribution requirements of up to \$500 for the first violation, and an additional \$500 for subsequent violations, not to exceed \$5,000; 2) establish administrative civil penalties of up to \$50,000 per violation of the reusable bag certification requirements, or any submission of false information, not to exceed \$150,000 annually; and 3) preempt local governments from enforcing or adopting any new or existing law, ordinance, resolution, regulation, or rule on any store relating to reusable bags, single-use carryout bags, recycled paper bags, or any other bag referred to in the bill.

County Counsel and the Department of Public Works are currently reviewing the impact of AB 1998 on local control, the County's proposed plastic carryout bag ordinance, and the County's plastic carryout bag draft Environmental Impact Report.

County-supported AB 2038 (Eng), which as amended on April 27, 2010, would authorize the Franchise Tax Board to notify occupational and professional licensing agencies of its members' failure to pay tax liabilities, was held on Assembly Appropriations Committee suspense file on May 28, 2010.

County-opposed AB 2043 (Torrico), which as amended on April 29, 2010, would redefine Community Redevelopment Law to include the provision of loan assistance to reduce the principal balance on home mortgages for qualified homeowners, was held on the Assembly Appropriations suspense file on May 28, 2010.

County-supported AB 2064 (J. Perez and Bass), which as amended on May 6, 2010, would require the California Department of Housing and Community Development to release a notice of funding availability for the Emergency Housing and Assistance Program to potential applicants and designated local boards, passed the Assembly Floor by a vote of 60 to 16 on June 1, 2010. This measure now proceeds to the Senate.

County-opposed AB 2065 (Calderon and De La Torre), which as amended on May 3, 2010, would authorize the redevelopment agency of the City of Downey to amend a community redevelopment project area to facilitate the manufacture of automobiles by Tesla Motors, was held on the Assembly Appropriations Committee suspense file on May 28, 2010.

County-support-if-amended AB 2138 (Chesbro), which as amended on April 14, 2010, would prohibit a food provider from distributing disposable food service packaging or a single-use carryout bag, unless the packaging or bag meet the criteria for either compostable packaging or recyclable packaging, and would also prohibit a food provider from distributing a disposable food service packaging or single-use carryout bag to a customer, unless CalRecycle determines that the packaging or bag is recovered for composting or recovered for recycling at a rate of 25 percent or more, was held on the Assembly Appropriations Committee suspense file on May 28, 2010.

County-opposed AB 2253 (Coto), which as amended on May 28, 2010, would expand the period after termination of employment that a retired public safety officer may file a workers' compensation claim for job-related cancer to 10 years, passed the Assembly Floor by a vote of 68 to 4 on June 2, 2010. This measure now proceeds to the Senate.

County-supported AB 2256 (Huffman), which as amended on June 1, 2010, would prohibit a person engaged in the packaging or labeling of a consumer product, on or after January 1, 2012, from distributing in commerce in California, a product that is contained in a package, or that has an affixed label that states the product is flushable, sewer and septic safe, or other like terms or phrases unless the product meets the

acceptance criteria as published in the Guidance Document for Assessing the Flushability of Nonwoven Products, published by the Association of Nonwoven Fabrics Industry, passed the Assembly Floor by a vote of 45 to 27 on June 3, 2010. This measure now proceeds to the Senate.

The bill would require a person who has packaged or labeled a product as flushable or sewer and septic safe to maintain written documentation from a qualified laboratory of the testing to validate this claim, and makes a violation of this provision punishable by a fine of up to \$2,500.

County-opposed AB 2456 (Torrico), which as amended on May 28, 2010, would require local Emergency Medical Service agencies to adhere to standards developed by the California Emergency Medical Services Authority (EMSA) regarding the functions, certification and licensure of emergency medical technician personnel, and authorize the EMSA to develop and adopt a fee schedule to cover the costs to promulgate regulations, passed the Assembly Floor by a vote of 53 to 10 on June 2, 2010. This measure now proceeds to the Senate.

County-supported AB 2477 (Jones), which as introduced on February 19, 2010, would permanently retain the 12-month continuous Medi-Cal eligibility for children under 19 years of age to ensure that California qualifies for the extension of the temporary Federal Medicaid Assistance Percentage rate increase, passed the Assembly Floor by a vote of 57 to 16 on June 1, 2010. This measure now proceeds to the Senate.

County-opposed AB 2499 (Portantino), which as amended on March 25, 2010, would revise the administration and licensing by the Department of Motor Vehicles of traffic violator schools, passed the Assembly Floor by a vote of 64 to 10 on June 1, 2010. This measure now proceeds to the Senate.

County-supported AB 2555 (Feuer), which as amended on May 28, 2010, would appropriate \$1.6 million from the State Health Facilities Citation Penalties Account to support long-term care ombudsman programs administered by the California Department of Aging, passed the Assembly Floor by a vote of 76 to 0 on June 2, 2010. This measure now proceeds to the Senate.

County-supported AB 2654 (Chesbro), which as introduced on February 19, 2010, would freeze reimbursement rates for Institutes for Mental Diseases to the levels in effect on July 1, 2009, passed the Assembly Floor by a vote of 58 to 0 on June 2, 2010. This measure now proceeds to the Senate.

County-supported AB 2705 (Hall), which as amended on April 14, 2010, would promote increased physical activity for school-aged children in grades 1 through 6 and children attending After School Education and Safety Programs, was held on the Assembly Appropriation Committee suspense file on May 28, 2010.

County-supported SB 408 (Padilla), which as amended on January 26, 2010, would reinstate California's law banning the possession or use of body armor by violent felons, was signed by the Governor on June 2, 2010, and it is Chapter 21, Statutes of 2010. This urgency measure becomes effective immediately.

County-supported SB 1100 (Corbett), which as amended on April 22, 2010, would: 1) require battery manufacturers, by September 30, 2011, to submit a stewardship plan (plan) to CalRecycle for review; 2) prohibit, on or after January 1, 2012, a producer, wholesaler, or retailer from selling household batteries unless CalRecycle certifies the submitted plan as complete; 3) establish progressive collection goals for household batteries of 50 percent by 2014, 70 percent by 2017, with the ultimate goal of reaching 95 percent collection; and 4) require battery manufacturers to reimburse local public agencies for the cost of collection of household batteries and/or provide the local public agency with the location, hours, and contact information for the convenient collection points for household batteries that are located within the county where the local agency is located, passed the Senate Floor by a vote of 23 to 10 on June 3, 2010. This measure now proceeds to the Assembly.

County-opposed SB 1112 (Oropeza), which as amended on May 11, 2010, would allow a 10-year extension of a redevelopment project area in which at least 25 percent is property where the agency is authorized to take action to remedy or remove a release of hazardous substances according to existing law, was held on the Senate Appropriations Committee suspense file on May 27, 2010.

County-supported-if-amended SB 1173 (Wolk), which as amended on March 23, 2010, would: 1) declare that the use of all "raw or potable water" for nonpotable municipal or industrial uses is a waste or unreasonable use of water if recycled water is available that meets specific conditions, as determined by the State Water Resources Control Board; 2) prohibit a person or public agency from using raw or potable water that is suitable for nonpotable municipal or industrial uses if suitable recycled water is available that meets specific conditions; and 3) declare that the use of raw or potable water for the irrigation of residential landscaping, floor trap priming, cooling towers, and airconditioning devices is a waste and unreasonable use of water if recycled water is available that meets specific conditions, passed the Senate Floor by a vote of 22 to 11 on May 27, 2010. This measure now proceeds to the Assembly.

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County-opposed SB 1174 (Wolk), which as amended on April 29, 2010, would require a city or county, upon each revision of its housing element, to review and update one or more elements of its general plan as necessary to address the presence of island, fringe, or legacy unincorporated communities inside or near its boundaries, and would require the amended general plan to include specified information about disadvantaged unincorporated communities, including a program to address infrastructure deficiencies, passed the Senate Floor by a vote of 22 to 14 on June 2, 2010. This measure now proceeds to the Assembly.

We will continue to keep you advised.

WTF:RA
MR:EW:VE:sb

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants